

### **NOTICE OF ALLOWANCE**

This application is in condition for allowance except for the presence of claims 11-20 directed to an invention non-elected with traverse. See Examiner's Amendment.

The 35 U.S.C. 103(a) rejection of claims 1-9, 21 and 23 as unpatentable over Hultin et al. (US 6,005,073) in view of Rogols (US 5, 436,024) and Claim 10 as unpatentable over Hultin et al. in view of Rogols as applied to Claim 1, and further in view of Shah et al. (WO 01/62888) are withdrawn in view of Applicants' arguments which were considered and found persuasive.

The rejection of Claim 23 under 35 U.S.C. 112, 1<sup>st</sup> Paragraph has been withdrawn in light of Applicants' amendment filed April 7, 2010.

### **EXAMINER'S AMENDMENT**

This application is in condition for allowance except for the presence of claims 11-20 directed to an invention non-elected *with* traverse. In a telephone interview June 30, 2010, Mr. Daniel R. Gibson authorized the cancellation of non-elected claims 11-20.

### **STATEMENT OF REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

With regards to claims 1-10 and 21 the primary reason for allowance is the inclusion of the limitation "adjusting the pH of said water to maintain said pulp at substantially neutral pH throughout the process" and "washing said initial pulp to obtain a washed pulp containing a residual fraction of lipids and sarcoplasmic proteins comprised between 1.2 and 3% of the weight of the pulp."

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Hultin et al. disclose that the pulp is washed with 1 to 9 volumes of water (C9/L5-9, Figure 4). Since water is known to have a pH of about 7, intrinsically the pulp would be maintained at a substantially neutral pH. However, Hultin et al. also disclose mixing the protein with an aqueous liquid at a pH below about 3.5 to attain a low pH protein solution. Therefore, Hultin et al. does not disclose maintaining said pulp at substantially neutral pH *throughout the process*.

Hultin et al. disclose a fish protein product comprising some lipid, i.e. 0.12-0.14% (C15/Table 2), but does not teach a washed pulp containing a residual fraction of lipids and sarcoplasmic proteins comprised between 1.2 and 3% of the weight of the pulp.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **CORRESPONDENCE**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH GWARTNEY whose telephone number is (571)270-3874. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on (571) 272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/E. G./

Examiner, Art Unit 1781

/Keith D. Hendricks/

Supervisory Patent Examiner, Art Unit 1781